

1906

THE
REPRESENTATION.

1770. (60?)

Ireland. - Lord Justice & Council
-k

T H E



REPORTATION.

THE
REPRESENTATION
OF THE

L---s J-----s of IRELAND,

Touching the Transmission of a PRIVY-COUNCIL
MONEY-BILL previous to the Calling of a New
Parliament.

IN TWO

L E T T E R S.

Address'd to

His Grace the Duke of Bedford.

To which is annexed,

Mr. SLOANE'S NARRATIVE in Defence of the
Conduct and Resolutions of the House of Com-
mons in 1692.

*Epistolæ magis in Proximo & ad vivum negotia solent re-
presentare quam vel Annales vel Vitæ.*

BACON *de Augmentis Scientiarum*

This hath not been done by the King but by Projectors, who
have extended His Prerogative beyond its just Bounds.—They
have introduced a *Privy Council* ravishing at once the Spheres
of all ancient Government. They have taken from us—what
shall I say? indeed what have they left us? They have taken
from us every Means of *supplying* the King, and of ingratiating
ourselves by *voluntary* Proofs of our Duty and Attachment to
Him.

*Speech of Sir THO. WENTWORTH, (afterwards Lord
Strafford) in the House of Commons of England, 1628.*

D U B L I N:

Printed by JOHN MILLIKEN, No. 10 in Skinner-Row.
1770.

**THE
REPRESENTATION**

OF THE

L — s J — s

O F

I R E L A N D, &c.

LETTER I

Dublin-Castle, Nov. 23, 1760.

MY LORD,

WE think Ourselves called upon to write
Our Minds fully and without Reserve to
Your Grace upon a Subject of extreme Delicacy
and Importance.

THE contrary Winds having for this Week
past prevented the Arrival of Pacquets from
England, and as We expected by the first that
should arrive to receive Your Grace's Commands
with Regard to dissolving the Parliament, and

B

the

the issuing the Writs for new Elections, Yesterday in a Council called for ordinary Business, We thought it proper in Form to acquaint the Lords with the Representation We had laid before Your Grace upon that Subject, and with Our Expectation of receiving Your Grace's Commands in Consequence of it by the first Mail, at which they expressed a general Satisfaction: We then desired their Lordships, and those Lords in particular to whom Business of that Sort peculiarly belongs, to consider (in order that no Time should be lost) of Bills fit to be transmitted to *England*, as the Causes for calling a Parliament, and to take the proper Steps towards preparing them. The Council did not happen to be the most numerous, but it was composed of Persons of the greatest Weight and Eminence from their Rank in the King's Service, and from their Sobriety of Judgment in all Matters relating to the Government and Constitution of this Kingdom.

THE Point that came into Discussion was, whether on the present Occasion it was necessary or expedient, that a Money Bill should be one of the Bills transmitted.

WE shall submit to Your Grace, as candidly as We are able, every Consideration that appears

pears to Us to have Weight on one Side and on the other.

By the Statute of *Henry VII.* commonly called *Poyning's Law*, it is expressly provided, that all the Causes and Considerations for calling a Parliament in *Ireland*, and all Acts which are thought fit to be passed, shall previously be certified by the chief Governor and Council, and affirmed by the King and His Council under the Great Seal of *England*; and that all Proceedings otherwise are to be illegal and void: And the explanatory Statute of *Philip and Mary* provided, that other Matters which were not thought nor agreed upon before the summoning may be treated of and enacted during the Time of Parliament, but to be certified and affirmed in the same Manner.

THIS Explanation opened the Way to the bringing in Heads of Bills to the Houses of Parliament respectively. Yet the Constitution was still in every material Point preserved, by the Power exercised by the Council in amending Inaccuracies, supplying Defects, or suppressing the Whole of what should come in that Form proposed to them, when the Tenour of it seemed to be improper. But since the Sitting of Parliaments has been more regular, the framing of

Bills originally in the Council has become less and less frequent, and has been for many Years past almost totally diffused, unless on the Occasion of calling a new Parliament, in which Case the Law requires it indispensibly. But it requires only that such Bills as are meet and necessary shall be certified, and does not say, nor seem to intend, what the particular Purport of these Bills shall be.

THE Practice on these Occasions has unquestionably been, that one of the Bills certified as a Cause for calling the Parliament has been a Bill of Supply.

BUT it has been as constantly the Case, that the Want of an immediate Supply has been the real and necessary Cause of summoning the Parliament, and was truly certified to be so.

IN the Year 1692, in the first Parliament held here after the Revolution, two Bills of Supply were transmitted: The House of Commons passed one, on Account of pressing Emergencies, but followed it with a Resolution, that their Proceedings should not be drawn into Precedent. They rejected the other, and by their Resolutions avowed the Reason for rejecting it to be, "because

"because it had not taken its Rise in that House." The Parliament was immediately prorogued, and soon after dissolved. But in the Speech or Protestation delivered by the Lord Deputy (Lord Sydney) on the Prerogation, in which the Proceedings of the House were reprehended as a Breach of the Constitution, there is no Stress laid on the Act of rejecting that Bill, but only on the Reasons assigned for doing it. The refusing the Supply might be resented as undutiful, but the Rejecting of those any more than of any other Bills, was not censured as unconstitutional. We are therefore inclined to think, that the Reason for transmitting a Money Bill on the Calling of new Parliaments has been the constant Necessity of an immediate Supply, and not that a Bill of that Nature was ever considered as essential to the Constitution.

In 1727 upon the Accession of His late Majesty it appears from the Council Books, that a Bill was transmitted (though very faintly, and as it were for Form's sake recommended) for continuing the Duties which were to expire on the next 25th of *December* to the 25th of *March* following.

THE Time of the King's Decease affording then little more than bare Room for the new Elections

Elections before the Season for the usual Meeting of the Parliament, which did not meet that Year until the 25th of *November*, something might have been said in Support of the Necessity of such a Bill: And it is in the Recollection of some Persons then Members of the House of Commons, and now of the first Rank in His Majesty's Service, that the Bill was notwithstanding vigorously opposed, and supported by Arguments of present Expediency only, such as the Lateness of the Season, and the Hazard of suffering the Duties to expire.

BUT We apprehend that the Difference of the present Circumstances from those, and indeed from any others, is too obvious to pass without Notice.

FROM the Day of His Majesty's happy Accession there was almost a Year to come before the usual Meeting of the Parliament. The Duties were to continue for a Year and Two Months, besides a Vote of farther Credit to Government.

We hope that His Majesty, through Your Grace's Mediation, will have been pleased already to condescend to our Request; and, We may add, to the Wishes of all His faithful Subjects here,
by

by directing an immediate Dissolution and a speedy Issuing of new Writs, to prevent the almost infinite and irretrievable Mischiefs, in which the Country would be otherwise involved. —

When that shall be done, the Parliament is supposed to meet as soon as it is chosen, the intermediate Prorogations being occasional and discretionary, and the Causes assigned for Summoning ought to be of such Matter as might instantly be proceeded upon.

BUT We fear that a Supply cannot with Truth, nor with any Colour of Truth, now, nor in some Time to come be certified as one of these Causes: — Nor when the Objection is made (as it most surely would be) can We think of any sufficient Argument to answer it. That of Precedents is the strongest that can be urged; but it will fall to the Ground, by saying, that the Case is not similar, and that no Instance can be produced, where a Parliament has been summoned in this Kingdom, when there has not been at the same Time a large Arrear due to the Establishment, unprovided for, and of Course an immediate Want of a Supply.

UPON these Grounds (in Case upon the Arrival of the Packets We should be honoured with Your Grace's Commands to execute the Plan proposed in

in Our Letter of the Seventh of this Month,) We shall first proceed to dissolve the Parliament, from which Step there can be no bad Consequence, in any Event. We propose then to transmit from the Council such Bills only as can be liable to no Exception; which, We are convinced, will be the Sense of the whole Council. ~~And~~ We must then submit what is to be done afterwards to Your Grace's Wisdom, upon which We have the firmest Reliance.

If our Method of Proceeding is approved of by Your Grace and His Majesty's other Ministers, We shall be most extremely happy in thinking that Your Grace, in the first Place, and that We Ourselves, the Parliament, and the whole Kingdom, are freed from a great impending Distress.

But if We are so unfortunate as not to have made Ourselves understood, or if We are judged to be mistaken in our Notions of His Majesty's true Service, We must conclude that the Bills sent by Us will not be returned, the whole Proceeding postponed, and the Calling of a new Parliament delayed to a more distant Time.

Upon these Grounds in Case upon the Arrival of the Packet We should be honoured with Your Wee's Commands to execute the Plan proposed in

WE must therefore remain under great Anxiety of Mind, till we know the Determination upon this Measure: The Keeping the Elections depending would be of itself a Spring of Discontent, that would afterwards, We fear, bring a Torrent after it that could not be withstood.

YOUR Grace does not want to be informed, that People of all Ranks here, as well as in other Places, are more curious and inquisitive into Business than they were formerly, and are every Day more prepared to take Advantage of Inaccuracies either of Substance or Form. We cannot suppose that it is to Us only that this Difficulty has occurred. ——— We doubt not it is already the Subject of Expectation in the Minds of those, who wish to distinguish themselves in publick Business, and if ever it should be brought into Question, it will be insisted upon more strenuously by those, who understand the Case, and magnified by those who do not, as an Object Of Fears and Jealousies of the most dangerous Kind.

WE cannot therefore but entertain sanguine Hopes that this Usage, which appears to Us at this Time unnecessary and untenable, and at no Time the Effence of the Constitution, will now be dispensed with; and that it will appear to Your

Grace, that no real Detriment can now, or hereafter can accrue to the Crown by the Omission of such a Bill; but the rejecting it (which We are persuaded would be the Case) would be attended with very sad Consequences in any Season, but more especially in a new Parliament, whose Temper would long retain the Impressions it first takes, and a Ferment would of Course be diffused through the whole Kingdom, which would be a most distressful Scene at the Opening of His Majesty's Reign, and when the State of publick Affairs is so precarious.

We shall only beg Leave to add, that Your Grace's effectual Interposition at this Crisis will prove a most solid and lasting Benefit, of which every serious and thinking Man in the Kingdom will know the Value, and We trust will be truly grateful for it.

We think We have acquitted Ourselves of our strict Duty, and have no Fear of offending by this Representation, from the Conscioufness We have of the Integrity of Our Motives, of our strong Zeal and Affection to His Majesty and His Government, of Our sincere Desire to see the Constitution preserved entire, and our Apprehensions of seeing the whole hazarded upon a Point, which We in Our Consciences

sciences and Judgments are convinced is unsubstantial, and of our Zeal and Wishes that Your Grace, on your Return to this Kingdom, may find every Circumstance of Your Administration agreeable to You. And We could not have forgiven Ourselves, nor ought We to have been forgiven, if, as soon as We foresaw the Danger, We had failed to point it out to Your Grace, until it should have been too late to provide against it.

We are, with the greatest Truth and Respect,

My Lord,

Your Grace's

most obedient

humble Servants,

G. A.

S.

J. P.

C 2

L E T.

L E T T E R II.

To the SAME. On the same Subject.

Dublin-Castle, Dec. 27, 1760.

MY LORD,

YOUR Grace cannot doubt of our having been affected with the greatest Surprise, nor of Our feeling the deepest Concern, on Our finding that Our Representation to Your Grace dated the 23d of *November*, had produced an Effect so contrary to Our Hopes, and that Our Intentions should be so far mistaken by Your Grace, as that when the Order was transmitted by His Majesty's Privy Council of *England* to the Privy Council here, Your Grace was not pleased either Yourself to condescend, or would not direct others (by whom Your Grace's Orders are usually signified to Us, and whose total Silence, as well upon, as since the Occasion, can only in one Way

Way be accounted for) to furnish Us with any one Reason that might rectify Our own Mistake, or might induce others to change the Opinion upon which We and They had proceeded; and We must submit to Your Grace, whether the Ends of His Majesty's Service might not more probably have been answered without this Act of seeming Severity, or whether any End can be answered by it, except that of rendering Us as contemptible in the Eyes of this People, as We must appear to have been in Your Grace's Estimation.

YET although We have too just Cause of apprehending that Your Grace's good Opinion and Favour are withdrawn from Us, We think it still a Duty incumbent on Us, so long as We are continued in His Majesty's Service, to transmit to Your Grace such Accounts, as We hope, for His Majesty's Information, of what has hitherto passed with Regard to this difficult and perplexing Transaction.

THE Letter from the Privy Council of *England* was taken into the most serious Consideration two Days successively, the 18th and 19th of this Month, in as full a Council as could be brought together; all Lords within fifty Miles of *Dublin* having been summoned to attend; and

and We must say (how little soever Our Testimony may be wanted in this Case, or how little Weight it may at present carry in any) that there could not be a greater Harmony of Affection, nor a warmer Zeal for giving the strongest and most convincing Proofs of Duty and Loyalty to His Majesty in the Breast of any of His Subjects, than in those Lords who were there assembled: Diversity of Opinions there was, and still remains amongst them, and the Point of Difference seemed to Us to be, whether the nominal or real Service of His Majesty's Government ought to have the Preference, it being a Matter of great Difficulty with Lords, and as We thought with the major Part of them, whether they, conceiving themselves bound by the most solemn Oaths as Privy Counsellors to give the best Advice that occurred to them, could, though required by the highest Authority, advise and recommend a Measure, which, it was not denied by any, might in its Consequences obstruct the very Service they had sworn to promote.

THIS Consultation ended with an Order to a Committee to prepare a Bill or Bills containing more material Causes than those already offered for calling a Parliament: The Committee met on *Monday* last; a Bill was offered for continuing the Duties already granted by Parliament to His Majesty for three Months from the

15th of *December* 1761, the Day on which they are to expire, and without further proceeding the Committee adjourned itself to the 12th of next Month.

As the Consequences of Delay can immediately affect the People of this Kingdom only, We have rather wished to avoid a hasty Determination, as hitherto it has not seemed to be in Our Power, if We had wished it, to have procured any other but a negative Determination upon that Sort of Bill which appears to be expected, though not expressly required from Us; besides that it would be no easy Task for Us to endeavour to reconcile to others that which We could not say we had reconciled to Our own Judgments: It has therefore, after many Expedients offered, been concluded on all Sides to be more respectful, to make no Return, until such a one can be made, as shall be previously known will be received as satisfactory, and in the mean Time We must submit to the Inconveniencies which by this Misunderstanding have fallen upon Us.

But this short Pause affords Us an Opportunity of laying the Motives of our past Conduct before your Grace more fully than We have done, not having apprehended they would be called into such strict Question, and also of declaring Our
Senti-

Sentiments more explicitly with Regard to what may be to come: And We humbly hope, and confide in Your Grace, that this Explanation on Our Part offered in Justification of Ourselves may undergo the Consideration of those of His Majesty's Ministers, who may have imagined that We have been wanting in Our Duty to His Majesty, or have been attempting to innovate upon the Constitution of this Country,

We are informed by Report (the only Light We have now to walk by) that We are supposed to have formed this entire Plan before We offered our Opinions upon the Expediency of immediately dissolving the late, and of calling a new Parliament, and that We produced it Piece by Piece as We thought the Execution of it might be best secured: We confess We are almost ashamed of endeavouring to clear Ourselves of such an Imputation; at the same Time We can say no more in Answer to it, than that it has not the least Foundation in Truth, and as far as a Negative is capable of being proved, We could prove that such a Suspicion is most injurious to Us: The first Thought was sudden; the Shortness of the Time allowed no Leisure for slow Deliberation; every Form of calling a Parliament was not present to Our Minds, nor did the Difficulty now in Question occur to any one of Us, until it was mentioned in Council on *Friday* the

21st of *November* two Days before the Date of Our Letter on the Subject to Your Grace: We saw the Reason of the Case, and so did every Lord of the Council present, and We hoped that the Reason might carry it through: This is the Whole of the Management that has been used; and We must with some Confidence ask Your Grace, whether Our Conduct since We have had the Honour of serving the Crown under Your Grace's Inspection tallies with this Disingenuity, of which We are told We stand suspected?

We shall not detain Your Grace with repeating Arguments upon the Point itself, already, as We must conclude, thought insufficient. The Right of certifying Money Bills originally from the Council We never meant to question. Every Lord of the Council has been explicit in declaring that Right, and will be ready to vindicate and support it upon every Occasion of Necessity, where the Necessity shall arise in the natural Course of Things, and is not created evidently for that Purpose; And as We conceived His Majesty's Prerogative (by which We understand a Right inherent in the Crown) to be in no Way concerned in this Question, We thought that present Expediency might with Safety be consulted, as not only the Intention, but the very Letter of *Poyning's Law*, taking the explanatory Act along

with it, was as effectually complied with, and generally understood to be so, by certifying a Money Bill into *England*, the Matter of which has been first proposed in the House of Commons, as if it were originally begun in the Council.

WHEN We considered present Expediency, We thought there never was a Season in which the Privy Council could with less Certainty than at present take upon them to foresee the several Contingencies, and to settle all the various possible Relations of His Majesty's Revenues and Establishments in this Kingdom, which may happen from this Time to the 25th of *December*, 1761, when any Money Bill they should have now certified must commence; many new Laws for the better collecting the Duties were also passed in the last Session, and are now in Experiment, the different Effects of which may make it necessary to change the Rates of particular Duties, and if any Plan of that Sort should be in the Minds of the leading Members of the House of Commons, whether for the Advancement of His Majesty's Revenue, or for the Ease of the Subject, and they should find themselves prevented by a Bill prepared for them, that Consideration might serve as a Reason for rejecting the Bill, even with those who otherwise might be induced to treat it with more Delicacy.

BUT

BUT the Manner in which the last Bill of that Nature which was offered to the House of Commons in the Year 1727, (and which was free from any of those Objections that may now be apprehended) made its Passage through the House, and the unanimous Resolution, declared to be a standing Order of that House, which immediately followed, and seems to have been a Sort of Stipulation for the passing it, has intailed new and insuperable Difficulties upon those who have now the Honour of serving the Crown, and was a Condition that, We must suppose, would not have been submitted to, if the Passing of the Bill, which was at that Time necessary, could have obtained upon easier Terms.

UPON these Considerations We could not apprehend it would be thought criminal in Us to advise that the Commons of *Ireland*, as the most convincing Proof of their Loyalty and Affection, should be indulged in the Liberty of offering to His Majesty in the first Session of His Reign the usual, or (should the Exigencies of Government require it) larger Supplies of their own free Will and Motion, rather than for the Sake of forcing upon them at most a nominal and ineffectual Bill of Supply, to hazard the real Supply; and disincline them from setting about with Chearfulness to make a sure Provision for the Discharge of those large Sums voted to His late
D 2 Majesty

Majesty in the last Session of the late Parliament, the Payment of which is only secured by a Vote of Credit of a different Representative.

THAT a Bill now to be transmitted would be rejected seems to be put out of Question, even by those Lords who are the most ready to certify it. But that to some may be an Event, in which they from their Situation may look upon themselves as not accountable. We, whilst We are continued by His Majesty's Favour in the high Trust now committed to Us, should think Ourselves the worst of Servants, if We did not look a little further into the Consequences of Measures, in the Execution of which We are to have a Share, and consider that His Majesty will take the Sense of His Parliament as the sure Criterion by which He will judge, whether His Business is well or ill conducted, and of the Merit and Demerit of those, whom He shall be pleased to employ in His Service.

WE are persuaded (whatever the Disposition of the Nation may be in other Points) that in any House of Commons that could be elected here, there would not be a Man whose Heart would not be full of Duty, Loyalty and Affection to His Majesty; yet it is no inconsistent Supposition, that much Uneasiness may be created to
Admi-

Administration, if the Gentlemen, who are likely to compose that House in the ensuing Parliament, should meet together possibly not a little disturbed and agitated by this Measure, certainly much fowered by the Expence the Delay of issuing the Writs must unavoidably occasion, and with Minds fretted and ulcerated by the Animosities which such tedious Disputes and Competitions must necessarily be attended with.

BUT there is Reason to apprehend still worse Consequences, should the Body of the People, incapable of judging the of precise Value of Forms, and therefore the more apt to conceive unreasonable Jealousies and Suspensions of what is represented to them by their Superiors merely as such, be influenced by their Fears, or by the Artifice of factious Persons, to exact new Tests from their Representatives; which Practice has been early set a Foot, and is daily spreading itself in all Parts; and there may be too much Reason to fear, that many amongst the Candidates may, in the Course of a long and violent Ferment be, drawn into a Compliance, and may plead the Obligation, or the Dread of the Consequences of violating it, as a Reason for an obstinate and general Opposition.

We must again submit to Your Grace, whether We, as being supposed to be not unacquainted with the Temper of the People of *Ireland*, and the several Views of those distinct Parties which have ever subsisted in it, were not obliged to lay these Matters before Your Grace, and His Majesty's other Ministers; and whether We might not have had some Hope they would be listened to in a Point, which, until We are better informed, We must say doth not affect the Prerogative, the Constitution, nor any one Law of either Kingdom: And We must once more, for the last Time, with all Deference recommend it to Your Grace's Consideration, whether any Measure can be devised more for His Majesty's Service, than that His Majesty should be graciously pleased, through Your Grace's Interposition, and that of his Majesty's principal Ministers, who are deservedly possessed of the Esteem, and Confidence of all His Majesty's Subjects, to yield so much to the Advice of His Servants here, as to dispense with this Matter of Form, which cannot now be observed but at the Expence of substantial Inconveniencies, and the Loss of which, if it is thought of Value enough, may be redeemed at any other Season, when the Circumstances of Affairs shall be more apt, the Disposition of the Parliament shall have been tried and known, and the Temper of the People better prepared to receive it. Other Bills are now preparing of more material Import than those already certified, in which We confess that the

Form

Form of the Proceeding was alone considered: Although, if the Causes contained in the Bills upon the calling the last Parliament were to be examined according to their strict Value, they might also have been said to have been insufficient: But the Council, as it is now constituted, do not propose to transmit those or any Bills, until it is in some Way intimated, whether there may not be such material Causes offered as will be deemed sufficient, although the Usage for many Years past should not be literally observed.

But if that Indulgence cannot upon any Consideration be obtained, and a Money Bill must in all Events be certified, We, as L——s J——s, must now with the utmost Concern that can be felt by Men, declare to Your Grace, that We cannot set Our Hands to that Certificate, and therefore as it is not in Our Intention to obstruct, although it is not in Our Power to perform that Service, and as the Signature of the Chief Governors to such a Certificate is by Law necessary to make it effectual, We do upon the most serious and sober Consideration request of Your Grace, if this Matter must be executed, to remove that Obstacle, by recommending to His Majesty some other Person or Persons to take the Charge out of Our Hands, and that the Commission, by which We are empowered to act, may be superseded. We are not so infatuated as to be blind to the Consequences

quences which may follow to Ourselves upon this Step, which We are driven by Necessity to take; nor to the Constructions which Our Conduct may receive; and it must surely be a very urgent Necessity that drives us to it. If this were a premeditated Purpose, the Result of Artifice and Intrigue, We should hardly have pitched upon this Time, when the whole Body of all his Majesty's Subjects (and We with the foremost of them) are joining with one Voice and Mind in the Admiration of His Royal Virtues, and endeavouring, as We have been within Our narrow Sphere, to lay a Foundation for the future Honour and Quiet of His Government; We should not, We must repeat it to Your Grace, have chosen this Time for exposing Ourselves to the Danger of being represented to His Majesty as deviating from the strict Path of Duty in any Article. But Our own Integrity must be Our Support, and We are convinced in Our own Consciences, that We give a more substantial Evidence of Our Duty and Attachment to His Majesty, by offering in these Circumstances to retire from His Majesty's Service, than We could do by continuing in Stations, after We were deprived of all Weight, Credit, Esteem and Confidence, that ought to attend them.

THERE is no Doubt that this would be Our Condition, if We were to recede from Our unanimous Opinion, when it shall be evident to all who know

Us,

Us, that nothing has intervened, that could influence Our Judgments, or rectify our Mistakes with respect to the Point itself, as We have been obliged to declare to the Privy Council (to clear Ourselves from the Suspicion of concealing Information from them) that Your Grace had not been pleased to honour us with any Communication upon it. As We cannot carry Our Views beyond this Kingdom, We are not to judge how far any Civil Struggles may call for the Attention of His Majesty's Council in *England*, but when We foresee Troubles and Animosities likely to arise, and We had in Our own Time such Experience of the very bad Effects, and of the long Duration of the national Ill-humour, We hope it will not be thought indecent in Us to persist in advising, as long as We have a Right to offer Advice, that some Allowance may be made by His Majesty's Ministers for the Difference of the State of this Kingdom in the present Time, from the low, unsettled, weak and depopulate Condition of it even at the Time of the Revolution, and that the Temper of Administration, though the Constitution remains the same, might in some Respects be accommodated to this Change.

IF it should appear hereafter that our Apprehensions are without Foundation, We shall with Reason be condemned as having taken a very false Measure of the Temper of the Country, with the

Care of which We have been intrusted ; but if it should happen otherwise, We may still have it in Our Power, as We shall certainly have it in Our Inclination, to give such Proofs as cannot be questioned of Our Loyalty, Duty, and inviolable Affection to His Majesty, by appearing in the Support of His Majesty's Crown and Government, by maintaining true, legal, constitutional Dependency of this Kingdom upon *Great Britain*, and by using such Influence, as We may retain, in composing those Animosities and Divisions, which We have great Reason to fear it will be difficult to prevent.

We are, Sir,

G. A.

S.

J. P.

Mr. SLOANE'S

Mr. SLOANE'S NARRATIVE
in Defence of the Conduct and
Resolutions of the House of Com-
mons in 1692.

BEING commanded, by the Honourable the House of Commons, to give some Account, in Writing, of the State of the Kingdom of *Ireland*, pursuant thereto I do this; which cannot be expected should be so full, or perfect, as if I had more Time than this one Day given me to do it; And it were indeed too great an Undertaking for me, or any other private Person, to give a complete Relation of the State or Grievances of that Kingdom, when many Things have been transacted in secret, and must still (as far as they can) be concealed, by those who cannot maintain what they did: Nor have I the Command of Persons or Papers for my Assistance; Yet, for the Satisfaction of this Honourable House, I will faithfully tell them what I have lately observed, or have been credibly informed, and believe may be proved, on that Subject: And, if the same shall be of any publick Service, either to this or that poor Kingdom, shall reckon it more than a Reward sufficient to repair any Injury can be done me on this Account. It was in *August* last I went into *Ireland*, partly on my own private Business, and partly to settle some Affairs relating to the Estate of my Lord *Lisburne*, who had left me one of his Executors and Trustees of his Estate; and, being there, was chosen one of the Members of the House of Commons; which was the Occasion of my seeing or hearing what I

did on this unfortunate Subject.—The Grievances of that Nation I take to consist chiefly of these Heads: First, The not better paying the Army; and Free-Quarter, which, by reason thereof, many of them have been forced to take on the Subject there: Secondly, the Embezzlement of the Revenue: And, Thirdly, The several Discouragements to Protestants, and Encouragements to Papists there, in the Respect and Particulars hereafter following.

As to the First; I do not take it, that what the Soldiers there exacted on the Country, was so much their Fault: For they were often, as I believe may be proved by some of themselves, and others here, for many Months together, left without either Pay or Subsistence; and it could not be expected, the Men should either starve, or go naked: This forced them, contrary to the known Laws, to take Free-Quarter on the Country, not only during the Time of the War, but since: And the Manner of it (as may be now proved) was thus: That they had not only Meat, Drink, and Lodging, which the Country pretty willingly submitted to, but, to supply themselves with Cloaths, and other Necessaries, in many Places they taxed the Country, and took and received from them great Sums of Money; and, when it was not paid, in divers Places distrained the Goods and Cattle of such who did not pay; and either disposed them to their own Uses, or appraised and sold them at Undervalues; which was to the Ruin of many poor Families and Persons there. On those Accounts there is due to the Earl of *Mulgrave*, and his Tenants, Six thousand Pounds or thereabouts: To the Countess of *Ardglasse*, and the Lady *Eliza. Cromwell* her Daughter, and their Tenants, Two thousand Five hundred Pounds: To Sir *John M^r Gill*,

Gill, and his Tenants, One thousand Pounds: And so to others of Estates; which, in the whole Kingdom, are computed to amount unto far above Two hundred thousand Pounds. There issued a Proclamation, and Commissions, to inquire into these Debts: Whereupon the Bills, which, for a considerable Part thereof, were given by the Officers and Soldiers, and Affidavits of much of the rest where no Bills had been given, were sent to the Commissioners: But so far are the Country from any Prospect of Satisfaction, that though some few of them in that respect have been preferred, and got Certificates, yet to many others of them, on their Applications there, it has been denied to give so much as Certificates of their Debts: Nay, I am credibly informed, by a Person of Honour now here, That, in several Places, Compositions were proposed to be made with the Country by divers of the Officers and Soldiers, to which the Country agreeing, and being willing to get back their Bills, thereupon sent to have them returned, but were denied them: And, at the same time, I doubt not but that several of the Officers and others here will make appear, the same have been to the full detained from them out of their Pay: So neither the Soldiers, nor the Country, have the Money. Nay the poor Country were forced to brew for the Soldiers, and were denied to have their Bills allowed for so much as the Excise, which they were forced to pay in ready Money for the Beer given to the Soldiers, as may be now proved. And, if this were an End of these Miseries, what is past might be the easier forgot: But, as I am now credibly told, and have seen some late Accounts from thence to that Purpose, it is at the same rate of Free-quarter, and taxing the Subject with great Sums of Money, in divers Places, continued to this Day; and, if not prevented for

for the future by the better Pay of the Army, will tend to the Destruction of the Kingdom. Yet I am not surpris'd, that it should so be; for it was publickly told us, by some nearly concerned in the Government, That, unless we would pass the Money-Bills, as brought from the Council-board, the Army should or would take Free-Quarter: But there appears to be the less Necessity for it now, were the Money rightly applied; for that, of their own shewing, the standing Revenue of *Ireland*, at the low Computation themselves offered thereof, is now sufficient to discharge the Expence of the whole Civil and Military Establishment of that Kingdom, as the same was produced, wanting only Seventy thousand Pounds: Towards the Supply whereof, a Bill passed for an additional Excise on Beer, Ale, and other Liquors; which at a very low Rate, was estimated would raise Thirty thousand Pounds; and others computed it far higher; and the rest had been supplied another way, had not the Parliament been prorogued before they had time to do it.

For the second, which is the Embezzilment or Misapplication of the Revenue; I have been credibly told, That, had the great Sum raised here for the Reducement of *Ireland*, together with the Profits of the standing Revenue, and forfeited real and personal Estates there, been applied to that Use, the Expence of the War might have been thereby defrayed: But I have heard many Complaints of the Misapplications; and the People the more sensibly find themselves thereby aggrieved; for that, when the Money is wanting for the Support of the Government, the poor Country is called upon to make it good: And therefore the House of Commons in *Ireland* voted this to be one of their great

great Grievances. And here I pray Leave to inform this Honourable House, that, wherever I mention the House of Commons of *Ireland*, or any of their Proceedings, or what has been done relating to them, I do not mean it by Way of Appeal, or as if they had not Power, in a Parliamentary Way, with their Majesties Concurrence, to redress their own Grievances, had they Leave to sit : But I mean to do them what Right I can, by undeceiving many Persons, to whom they, and their Proceedings, have been greatly misrepresented here ; and particularly, that they may continue in the good Opinion of this Honourable House.

PURSUANT to the said general Vote, the Committee of Grievances entered upon particular Inquiries of the Revenue, and forfeited Estates : And the first Person I remember fell in their Way was Mr. *Culliford*, a Member of this Honourable House : Who came before the Committee ; and, being acquainted, that he stood charged with the taking into his Custody several forfeited Goods and Chattels, and disposing thereof to his own Use, when he was one of the Commissioners of the Revenue, and not accounting for the same ; he answered, That he was willing to do any Thing for the Information of the Committee, relating to the Revenue, or other Persons : But, if he were to answer for himself, he told them, he was a Member of the Parliament of *England* ; and, though he was willing to wave his own Privilege, yet the Privilege of the Commons of *England* might be concerned therein ; which he offered to their Considerations : Which, I confess, I was surpris'd to hear ; for that, when he was formerly, here in *England*, charged with some of the same Matters, before this Honourable House, and afterwards at
the

the Tréasury, he then seemed to think it hard to defend a Fact here, which happened in *Ireland*, where his Witnesses and Papers were; and though he did, at last, put in an Answer to the Charge, yet it was within a Day or Two of the Prorogation: And out of that very Answer appear considerable Evidences against him. But the Matter of his Privilege being reported to the House, as, on the one Side, the House were very much concerned for their own Right of calling Persons to account in such Cases; so, on the other Side, upon this, and likewise on all other Occasions, they paid the greatest Deference imaginable to this Honourable House; and, for that Reason, adjourned the Debate, and never determined against his Privilege, nor summoned him any more; but, to prevent the Loss of the Testimony, they examined the Witnesses: And, thereupon, it was not only my Opinion, but the general Sense of the rest of the Members, that he was plainly guilty of very great Breaches of Trust, when he was a Commissioner of the Revenue, by seizing and converting to his own Use, forfeited Goods and Chattels of considerable Value; and by letting Leases, in Trust for himself, of the Mills and Wears of *Killinainham*, Mr. *Kerdiff's* Estate; the Cranage and Wharfage of *Cork*, which had been a new Exaction and Oppression upon the Merchant, first set up by himself and Mr. *Warren*; of *Kerdiff's* Estate; of very considerable Values, at very inconsiderable Rents: And to this he added the Estate of one *Sweetman*; to which I could never hear of any Title he had, save that of the *French King*, that it lay contiguous to *Cardiffe*: But Colonel *Fitz-Gerald* did here prove, that *Sweetman* offered it to him, to procure him a Pardon of a Prosecution he was under, as suspected of the Murder of the nine Soldiers near *Dublin*:

Dublin! But Colonel *Fitz-Gerald* refused to be concerned in such a Matter; and it happened, in Fact, that Mr. *Culliford* was after possessed of the Estate, and leased it to Mr. *Sweetman* himself; who lived quietly thereon, and was no further prosecuted, that ever I heard.

I HAVE heard much of a Trust of forfeited Lands in the County of *Kildare*, which had been lett to one Mr. *Ansley* (whose Brother is now here, and, I believe, can prove much of the same) for One hundred Pounds *per Annum*, or more; and, in Times of Peace, is said to be worth Three or Four hundred Pounds *per Annum*: Of a sudden Mr. *Ansley* heard he must quit the Land; which greatly concerned him; and therefore applied himself for the Continuance of his Lease, and would have increased the Rent: But remove he must: And it was presently lett to one Mr. *Eunicke*, for some small Rent: And the Commissioners for their own Indemnity, as the general Report was, inserted a Clause in the Lease, that it was by express Order, or Letter, from my Lord Lieutenant. There were likewise other Leases made, in Trust for others of the Commissioners, or their Friends, at great Under-values; which were upon Inquiry before the Commons: And here give me Leave to observe, that this, of the Commissioners of the Revenue making *Custodium* Leases, is an Innovation; for, in Times heretofore, for whatever I could learn, the Court of Exchequer granted all the *Custodium* Leases, and used to prefer the best Bidder: And, it is to be feared, this new Way was not introduced for nothing.

THERE was (as Colonel *Fitz-Gerald*, who is now here, attested) by him, and other Commissioners to inquire into the forfeited personal Estates, an Account of such, to the Value of Thirty thousand Pounds, or thereabouts, returned to Mr. *Culliford*,

and others the Commissioners of the Revenue; of which I believe a very small Account hath been made to their Majesties: And I could never yet hear any good Reason why that Commission of Inquiry was laid aside. The forfeited Estates of *Ireland* are of very considerable yearly Value, whatever may be pretended to the contrary, by any who design Grants of them to themselves or their Friends. It is true, they have been much lessened by the Articles of *Limbrick* and *Galloway*, and by the Judgments made at Council-Board since that time, determining who are, and who are not, within the Articles: How they came so far to intermeddle, I know not; but it seemed the stranger to me, for that I remember this Honourable House had, in some measure, laid their Hands on those Forfeitures; and a Bill was depending for disposing thereof; and therein a Clause to avoid (as I remember) such Judgments as should be given relating thereto, save such as were pursuant to that intended Act.

THE Earl of *Antrim* was restored to his Estate, reputed of Five thousand Pounds *per Annum*, by such Judgment of the Council-Board, on this Point, as I have credibly heard, that the Articles of *Lymrick* providing for all in that Town, or in any Garrisons in several adjacent Counties, the Earl of *Antrim* was on the Top of a Hill, with a few Men, surrounded with a small Ditch, which was judged to be a good Garrison, and he restored to his Estate, and his Outlawry reversed.

MR. *Longfeild*, an Attorney, formerly a Protestant, but turning Papist in the late Reign, had an Estate, computed at Eight hundred Pounds *per Annum*; and, being outlawed of Treason, and under no Articles, but what since the War he made for himself, he came lately into this Kingdom, where he appeared

appeared in Publick, and returned with some Letter or Order to reverse his Outlawry, and be restored to his Estate : Which has been done accordingly, as I most certainly believe.

I HAVE likewise heard of many other Outlawries reversed, and to be reversed; and, where they are within the Articles, think no Complaint should be made of them.

It is by the aforesaid several Ways the Forfeitures come to be lessened : But, for those which still remain, and are yet considerable, there is another Way; and that is, by Grants or Assurances thereof made, and to be made, to great Men : For Instance; the Lord *Sidney*, as I have been credibly informed, and believe may be proved, hath a Grant, or Assurance, or Promise, of a good Part of the Lord *Tyrconnell's*, and other Estates; Lord *Athlone*, of Lord *Slane's*, and others; Lord *Conisby*, of *Fagan*, of *Feltram's*, or other considerable Estates; and so others, to such Degree, that, as I am lately credibly informed from *Ireland*, there remains little or nothing of the clear Forfeitures, but what is pitched upon, or in a way of Grant to some great Person; but the poor Officers of *London-Derry* and *Inniskilling*, who (as may be said) had the Misfortune to survive their Brethren, and have lost the most of all they had, are now in this Town, about Sixty of them starving for want of Bread, or Money to carry them home.

IN order to the better Discovering of the Embezzlements of the real and personal Forfeitures, there was lately, before the Prorogation, a particular Committee, of which I was one, appointed to inspect the Books (which had been brought to us) of them; which were so general, and without Method, that we could make little or nothing thereof : And we therefore prepared

a Report to the House (which was ready to be made the Day we were prorogued), to acquaint the House how imperfect they were; and to pray their Orders how we might come at the more particular Accounts, or to that Effect. However, though we could not get at the Informations we wished, yet it was observed by several of us, that there had been no Cheque upon the Treasury since their Majesties sending Forces into *Ireland*, for aught we could learn; and was more especially wanted, since the Treasury was put into Method, and open; so that many Receipts of Money might have been made, which are not accounted for: And we were credibly informed, that there were many Paper-Assignments, and Bills of Exchange, issued out of the Treasury, upon several Collectors in the Country, for which no Exchequer-Acquittances are yet given, but the Bills and Assignments still in the Collectors Hands, not accounted for by the Treasury: And it was observed, how impracticable and way of Loss to their Majesties it is, that the Receipts and Issues of the Revenues of *Ireland* should be accounted for in *England*, where little or no Cheque can be upon them. We likewise were credibly informed, That, when General Ginkle left *Ireland*, he signed Warrants for above Twenty thousand Pounds, to the Disposition whereof he was a Stranger; by which means the King might be greatly injured; for that they might thereby charge to his Account Payments never made, or otherwise they only paid Part: And it was thought strange, that the plain Accompts of the Receipts and Payments should be Fifteen Months depending in *England*; and thought it would be very convenient to have those Accompts sent back into *Ireland*, to be examined there by some Persons, who understand the Establishment and Methods of the Treasury there: And it was moreover thought very inconvenient, that the same Person should be both Paymaster, or execute the Office of Vice-Treasurer,

surer, and one of the Lords Justices, who should have some Ascendant over the other Officer, to inspect his Proceedings, and correct them, as there should be Cause.

I now come to the last Head of Grievances; The Encouragements given to the Papists, and Discouragements to the Protestants; Which I take to consist chiefly of these Particulars:

1. THE licensing or suffering so many Papists to wear or keep Arms; and the permitting so many of them to be in the now standing Army there; of which I heard many Accounts, given by the Members, from their several Countries: Of which the House of Commons had that Apprehension, that they were of Opinion it did endanger the Peace at home, and might encourage the *French* to return; and therefore addressed to the Lord Lieutenant, for Remedy thereof; Which his Excellency said he would take care to do.

2. HINDERING the Protestants from their due Course at Law, against the Papists; and many illegal Protections granted to the Papists; of which there were plentiful Accounts given in the House, and no less than Three hundred Protections entered at the Sheriffs Office in *Dublin*, as I was told by one sent for that Purpose to search: And when the Reason was asked about some of them, why such Persons should be protected, it was answered, by one who had a Hand in the making them out, That it was *Arcana Imperii*, and might not be fit to be told.

3. DETERMINING the Property of a Protestant by the Lords Justices, without hearing him (I mean, when my Lord Lieutenant, and a Member of this Honourable House, were Lords Justices); which happened to *Henry Langford, Esq;* a Gentleman of good Knowledge,

Knowledge, and undoubted Integrity to this Government. The said Lords Justices made an Order, for him to deliver One hundred and Fifty-seven Which he refused to do; and by Letter acquainted them, that he had none such in his Custody, as were marked *J. R.* (which their Order said those were) or which ever belonged to the late King *James*; but he had, for ready Money, bought One hundred and Thirty-seven, from one Mr. *Cusack*, who had got Property therein. On this he was sent for to Town, and offered to give any Security, and would legally try the Property: Which would not please them; but the Lord *Conisby* threatened him, that, if he would not deliver them, they should be taken from him by Force, On which Mr. *Langford*, being Sheriff of the County of *Meath*, declared, if any body came with such illegal Order, he would resist them with Force: So they let him alone, but sent a Pursuivant for Mr. *Cusack*, and kept him in Custody Two Days, at great Expence, till he plainly proved that he had a good Property in the Bullocks; and then discharged him. Mr. *Langford* stayed here some Days to give this Account to this Honourable House: But, being forced at last to go to *Ireland*, he hath writ the same at large to me in a Letter, since he went.

4. BUT the greatest Discouragement of all to the Protestants, and Encouragement to the Papists, is the Manner of the proroguing the Parliament, and what hath happened since that time. I think I may, without Flattery of them, say, there never was a House of Commons in that Kingdom of better Value for their Estates, or the Sincerity of their Principles to the *English* Protestant Interest; and, on all Occasions, expressed the grateful Sense they had of his Majesty's Care and Hazards for the Reducement of that Kingdom; as also towards this Honourable House, and others

others of this Kingdom, who, in their Distresses, so liberally extended their Supplies for their Relief. They received my Lord Lieutenant's First Speech with great Joy; and immediately voted an Address of Thanks: For thereby he told us, That he received their Majesties Commands to call us, as the greatest Demonstrations they could give of their Affections to us, who had suffered so many great Oppressions, almost to an utter Desolation of the Country, and could not be so well settled as by a Parliament; which he said was a Blessing that, for so many Years, we had been deprived of; whereby the *English* Interest had been in apparent Danger of losing not only their Religion, but all that Property, which, with so great Expence of Blood and Treasure, they had purchased; and therefore doubted not but we would make use of it to pass such Laws as may tend to a firm Settlement of the Country upon a Protestant Interest: And that he was ordered by their Majesties to assure us, That nothing should be wanting on their Parts, that might contribute to our perfect and lasting Happiness. This was all very good, and very true: For though, by the ancient Law, there should be a Parliament there every Year; which was so far heretofore observed, that, in about Two hundred Years before the last Parliament, there was in *Ireland* Fifty-two new Parliaments; but, from the time of the last Parliament till now, they had, contrary to the Law, an Interval of Twenty-seven Years: In which time there had grown over the Kingdom many insupportable arbitrary Powers and Jurisdictions, Oppressions and Grievances; besides, that we wanted many good Laws, which had been made in this Kingdom, and were as much wanted there; and now we doubted not but we were met to redress and remedy all. When the Proposal of Money was sent, it was readily embraced; and when my Lord Lieutenant sent, that, by the Computations

putations of the Civil and Military Lists of the Establishments, and of the Profits of the Revenue, produced by Mr. *Poultney*, there would be wanting Seventy thousand Pounds, to support the Government there; though it be almost incredible, to any body who has not been in the Country, to believe the great Desolation, Waste, and Poverty, which generally reigns throughout the Kingdom, save in some Parts of the North, and in and about *Dublin*, *Corke*, and a few other Towns, which are better than the rest; yet they were resolved to bear any thing they could, rather than to be further burdensome to this Kingdom; and therefore voted a Sum, not exceeding Seventy thousand Pounds, to be raised; and spent several Days about finding the Ways and Means how to do it with the greatest Ease and Equality to the Subject: And therefore were tendered to us Two Bills, which had been prepared at the Council-Board; the one for the said additional Excise, which was pretty well liked for its Substance; and the other, for a Charge of Fifteen-pence *per* Acre on all Corn throughout the Kingdom; which was thought very unequal in itself, there being very great Difference of Corn, and of the several Sorts, and the Graziers and Traders escaping the Tax, and so many People starving for Want of Bread. It was thought strange by some, why these Bills should have been kept from us so long, to let us spend so much Time, as aforesaid; and, when they were tendered, it was greatly disliked, that the Privy-Council should prepare Money-Bills, before the Heads of them were first found and proposed by the Commons. And here I would undeceive every body, who are made to believe, that we intended, by that, or any other Proceeding, to avoid *Poyning's* Law, and thereby make ourselves independent (as they call it) on this Kingdom: For all we did was, to assert the Right of the Commons having the sole Right of first founding

founding or proposing the Heads of a Bill for Raising
 of Money ; and that, when the Commons had pro-
 posed them to the Council-Board, the Council-Board
 should draw them into Bills, and transmit them into *En-
 gland*, to be transmitted back, according to the Method
 of *Poyning's Law* ; Which was made on the Twen-
 ty-seventh *October* ; and Seven Days after That we
 were prorogued : And the Cause assigned by his Ex-
 cellency's last Speech, of the Third of *November* for
 his Displeasure, is, That he is troubled, that we, who
 had so many Obligations to be loyal, and dutifully
 affected to their Majesties, should so far mistake our-
 selves as to intrench upon their Majesties Prerogative,
 and the Rights of the Crown of *England*, as we had
 done by our said Vote of the Twenty-seventh of *Octo-
 ber*, and a subsequent Vote of throwing out the Corn-
 Bill, because it had not its Rise first from the Com-
 mons : And therefore he requires his Protest against
 those Votes to be entered in the Lords Book ; and so
 prorogued us till the Sixth of *April*.

It was thought, by many Members there present,
 that his Excellency had called us undutiful and un-
 grateful Subjects ; and, if they were in a Mistake, I
 confess I was in the same : But I find little Difference
 in any Apprehension between these Words, and the
 Meaning of the Expressions in the printed Speech :
 However this was very unkindly taken ; and thought
 strange, that this should be the Cause of our parting
 so ; considering, First, That the Reasons appeared, as
 we conceived, for the Right of the Vote to be with us,
 in that nobody can deny, but that, before *Poyning's*
Act, it was entirely in the Commons : And it was
 not conceived by many, that ever *Poyning's Act* was
 intended to prevent the Commons of that original
 Right ; but it was designed chiefly to prevent the
 Danger of an *Irish* Interest being too prevalent with a
 chief Governor there, to the Prejudice of *the English*.

And the same Reasons which was before the Act for the Commons to begin Money-Bills still remains, that they are presumed to know better than the Council what Money the Country is able to bear, and how it may be best raised with Ease to the Subject: But that was not so much insisted on in the Case, for that we proposed to pursue *Poyning's Act*, as aforesaid, having also the Act of 3 and 4 *Phil.* and *Mary* explanatory thereof: And, finding the Reasons with us, we inspected the Journals of the House, and there found the same Vote in Substance, in 1662; and likewise the Practice to the same Purpose formerly, and never before complained of; but perhaps sometimes upon an Emergency, and for Expedition, this Right might be overlooked for a time,

HEREUPON it seemed, after the Debate, to be the unanimous Opinion of the House, That the Right was so: But it was much pressed, that, for Supply of the present Necessity of the Government, we should pass these Two Bills, with a Salvo to our Right; which was not at first well liked by some, who thought it no good Expedient to yield their Right, and have only a Salvo for it; the rather, for that we were ready to have come, if we had been called sooner, and were now desirous to stay till we might raise the Money in our own way; and so we might have some of our other Laws go hand in hand with the Money-Bills; whereas, the other way, the Money would be given, and the Laws left behind: However, an Expedient and the present giving some Money, was so earnestly pressed, that the House became all unanimous in what was done, that is, in passing the Excise-Bill; which was to raise the ready Money, with a Declaration, that it was only for this time, and should never be drawn again into Precedent; and by asserting the Right by the said Vote, and by rejecting the Corn-Bill for the said Reasons of not having

ving its first Rise from the Commons: Which was all done, and was reckoned a great Compliance, and not doubted but it would be pleasing to his Excellency; for that this last Expedient was particularly proposed and prosecuted by some of the Privy-Council, who had frequent Access to his Excellency, and seemed to understand his Mind.

It was yet the stranger to us, because Sir Cyril Wych, on *Wednesday* the Second of *November*, reported from his Excellency to the House, That he had heard a good Character of Dr. *Walkington*, the Chaplain to the House; but, being recommended to the House by his Excellency, he would, on that Account, take a more particular Care of him; and so on other Occasions his Excellency was pleased always to return very good Answers to the Addresses of the House: And further, the same Day, *Wednesday* the Second of *November*, he reported from his Excellency, That he had appointed *Friday* next for the Committee to attend him in Council, with the Heads of the new Laws we had prepared; which made many of us think, that his Excellency had not then resolved to prorogue us on the *Thursday* (which was the only intervenient Day): However, it was done on *Thursday* the Third, and was reckoned the greater Loss to us, for that the Heads of the Laws we had prepared to tender him were of very great Consequence to the Nation; viz. The Heads of *Habeas Corpus Act*, of the Act for restraining the Jurisdiction of the Council-Board, of the Act against buying and selling Judicial Offices, of the Act against Frauds and Perjuries, and of several other good Laws of Force here, but not there: But, being prorogued the Day before, we had not the Opportunity so much as to tender them: It was only told us, on the Prorogation, by my Lord Chancellor, That his Excellency being informed of what Heads were in-

tended to be tendered him, he would take them into Consideration ; and, against the next Meeting of Parliament, such of them as should be found requisite should be in a Readiness to be brought into Parliament ; and I am now credibly informed, That some of them are transmitted hither ; but the *Habeas Corpus*, Bill (which I value more than all the rest), I am told, is left behind, and not thought requisite.

It was yet the stranger, for that in those Seven Days we had been very busy, by a Poll-Bill, to raise the rest of the Money, and intended to do it sooner that way than the Corn-Bill would have done, which could not be till next Harvest : As also for that we were then coming upon the more close Pursuit of our Grievances, and the Embezzlements of the Revenue, in which we thought we were at our Duty to the King and Country.

AND after all this Heat about (as was said) our Intrenching on the Prerogative, it is to be considered, That it is of great Use to the Subject, that the Commons should have that Right ; and, if they are willing to give the Money, it seems but a small Favour to let them find the easiest Ways of raising it : But on the other Side, such a Prerogative as that the Council-Board may first find the Ways of raising Money, I cannot see of what Use it can be, unless it were to occasion more Heats ; for the Commons, without doubt, have a Negative Vote, and can throw it out : Besides, that I know not how this Claim comes by the Name of a Prerogative, which I take to be an ancient inherent Right of the Crown ; but whatever can be said of this must be drawn from *Poyning's Act*, and the Third and Fourth of *Philip and Mary*.

Now, for what happened since the Prorogation ; many of the Members thought it very necessary to have

have Agents to attend their Majesties here, on the Behalf of the Protestants, to render them, and their Proceedings, right in their Majesties Opinion ; as also to solicit such Matters as might happen relating to them : Which way of sending Agents hither had been frequently heretofore used, but was done by the Consent of the Government there : Wherefore, to pursue the former Method, an Address was presented to his Excellency, by Sir *Rob. King*, Sir *Arthur Rawdon*, Sir *Arthur Langford*, and Mr. *Anesley*, and signed by them, on the Behalf of themselves, and others, which was no more than to pray Leave to appoint Agents to attend their Majesties : To which his Excellency (as they declared) returned this Answer ; That they could not have a better Agent than the King himself, who had been Agent for the Protestants these Twenty Years ; but, if they would have Leave for any to go over to beg the King's Pardon for their riotous and seditious Meetings, they might have it : This sounded very hard in the Ears, both of the Gentlemen to whom it was said, and others, who knew them to be Men of great Value and Integrity : But this was not the End ; for there was, as I believe may be proved, a Direction to prosecute them upon an Information in the King's-Bench ; which they were resolved to defend : But it proves it was better considered ; and they were let alone.

THIS, of having Agents here, was thought the more necessary, for that the Papists have Agents to solicit their Affairs here, and make Collections for them in *Ireland* ; and have had Leave to inspect and peruse a Bill, prepared for the Parliament there, before transmitted into *Ireland* ; and to argue against the same, where there were none of *Ireland* to oppose them ; and if the Protestants had Agents here, it is not like, that such Bills would have been sent them, without Amendments, as were now transmitted to the

the Parliament, with very fair Titles; but forced to be rejected, for the Bodies of them, as a Bill, to confirm the Act of Settlement; which is much wished for: But there were such things therein, that, instead of confirming, it would have set things far looser than they were; for it which was rejected: And the same Fate befel a Bill for reversing the Proceedings of Attainders passed, when the late King was there; which had been very welcome to many timorous People there: It fared no better with a Bill for punishing Mutineers and Deserters, which had passed, if it had been as the Act for that Purpose here is; but it was to continue for Three Years, and from thence to the next Session of Parliament; which was so uncertain, and the Charges, relating to the regulating Quarters, left out, that, for these Reasons it was rejected; and Heads of another ordered to be brought to supply it: And its next Neighbour was a Bill to erect and establish a Militia: Which we were very desirous to do, for the publick Safety; but this would have brought a Burden on the Subject more than we thought them able to bear; besides the great Penalties, and arbitrary Ways of Taxing, and raising the Money, and an Obligation thereby to find more Men to serve in some of those Counties; for which and many other Faults, that Bill was also rejected; and the Heads of another ordered to be prepared.

Mr. *Osborn* and Mr. *Brodricke*, their Majesties Two Serjeants at Law, who had freely spoke their Minds, and are known to be Persons of great Knowledge and Integrity, were presently, after the Prorogation, superseded; and, since that, have been turned out, even of the Commission of the Peace.

THE said Sir *Arthur Rawdon* was superseded of being Governor of the County of *Downe* (which, in some things resembles the Lord Lieutenant of a County

ty here); and that Command or Government was offered first to the Earl of *Donegall*, and then to the Earl of *Mountalexander*; who both refused it, being taken from Sir *Arthur Rawdon*, on such Account: And I do not hear, that, to this Day, any body has accepted thereof.

THE Consequences of the said Matters have happened very evil to the Publick: For the Planters are discouraged, and Persons who came thither, with their Stocks and Money, from *Scotland*, and elsewhere, are removed again; and so are others of the ancient Inhabitants: And so the Country is like still to lie waste and depopulated, till better Settlement be there.

NOR is what is past the only Discouragement: For, I believe, it may be proved, by Mr. *Kearns*, now here, That his Excellency told him, He would prepare and tender another Money-Bill, the next Sessions, in the same manner as the last was, though it were but for Ten Pounds, or some other small Sum, to assert the King's Prerogative: Of which Mr. *Kearns* advised his Excellency to consider well of it; for that, he believed, the House would meet again of the same Mind as before, and reject it: To which his Excellency declared, That then they should have no more Parliaments; or to that Effect. I confess I was sorry to hear such a Report; and Mr. *Kearns*, who is a Man in Credit, quoted for the Author: Which made me inquire of him the Truth thereof, which he owned to be to the Effect aforesaid; and, I suppose, still will do the same; but if he should, . . . to do; it will be proved by others, to whom he told it, before he spoke to me any thing thereof.

I FEAR I have been too tedious; which, I hope, will be excused by the Greatness and Length of the Subject;

ject; and for what uncorrect Expressions may have escaped me (as I believe there are many,) I hope the Streightness of the Time (not being able to review or peruse it) will procure my Pardon from this Honourable House; but I have endeavoured, as much as I can, to set forth the Truth, and nothing else, to the best of my Knowledge or Belief; and that will always justify itself.

As to what became of the late King's Stores, or how the additional Article of *Lymrick* came to be added, or other Queries, proposed by this Honourable House, I say nothing thereof, being a Stranger thereto.

24th Feb. 1692.

James Sloane.

Being required by this Honourable House, to give an Account what Discourse my Lord Lieutenant of *Ireland* had with me lately, in that Kingdom, touching any Money-Bills, in the Parliament there, my Answer thereto, so far as I can, at this time, recollect, is as followeth:

HAVING, in *December* last, while in *Dublin*, resolved on a Journey to *England*, I went on *Saturday*, the Seventeenth of that Month, to wait on his Excellency; and to know what Commands he had thither: Whereupon he was pleased to desire me to dine with him the next Day, at the Castle; which I accordingly did: After Dinner we went to my Lord's Chamber, my Lord *Massereen*, the young Lord *Moore*, Mr. *St. George*, and One or Two more, being present: Where falling on some Discourse touching the Proceedings of the House of Commons there,

of

of which I was a Member (especially in reference to those Matters that had occasioned some Difference amongst us), my Lord Lieutenant asked me, amongst other things, what I thought our House would do at next Meeting, or to that Effect. I told my Lord, we hoped his Excellency's Speech would do much, to give Satisfaction, and remove all Misunderstandings amongst us. My Lord replied, That, as to any Speech he should make, he might speak it just then; but that, if the House did not wave some things they had insisted on, their Matters might not perhaps be as some were apt to imagine; or Words to that Purpose. I told his Excellency, I hoped there might be no Occasion of Variance, for that we were always very willing to give what Money . . . Kingdom could bear, for the publick Service and Safety; and desired only to take (as we conceived) the best and most effectual Ways for that Purpose; and had shewn our Readiness in Part, and would soon have accomplished the rest, had we sat but some little time longer: That it was like we should begin where we left; and so there would be no Ground of Debate, as to any new Money-Bills laid before us, as soon as we met, though it were but for a very small Sum. I made Answer, That though I could not possibly undertake to foretell the Sense of the House in such Case, yet would not wish the Experiment were made. My Lord asked me Why so. I replied, Because I was confident the Bill would not pass, unless the Members had much altered their Minds; which I did not yet find they had done. My Lord made Answer, That then we should have no more Parliaments, or were like to have none; or Words to that Purpose. I answered, I hoped not so, having such Need thereof, at this time; or to that Effect. My Lord replied, That, if the House would insist upon what was not their Right, they could not expect to sit. I made Answer, that I hoped they would insist on no-

H

thing

thing that was not their Right ; but were not as yet
 (that I knew) convinced of their Error in what passed
 in the House on this Matter ; or to that Purpose. I
 said further, in Discourse, That we had considered
 the Laws, and every thing else, as we could ; and
 had both good Lawyers, and other Gentlemen of
 good Parts in the House ; and went upon the clearest
 Reasons we could find, though his Excellency had
 not, perhaps, fully heard them : That nothing here-
 in they had done could be supposed for any private
 Interest, or Party ; That I hoped, after all, some
 better Expedient might be found to avoid all Incon-
 veniencies herein ; which was the Repealing of *Poy-
 ning's Act*, as to Money-Bills only ; that being the
 main thing still offered in Objection against us : Which,
 were it supposed, as was said, to affect us in this Par-
 ticular, would but still occasion Delay in transmitting
 Bills to and fro, which might be rejected at last, if
 not adjusted to the Mind of the House, or found any
 way inconvenient ; while, in the main time, without
 any such Stops. Money might be quickly raised for
 the Use of the Kingdom : But that, however, it was
 not conceived That Act, or any other, had divested
 us of what Right we still claimed in this Matter,
 being only to prepare Heads of Money-Bills, and no
 more, as knowing best the true Funds of the Nation :
 That, as Jurisdiction was the peculiar Right of the
 Lords House, so Money-Bills were in that of Com-
 mons ; and that Right well consistent with the Act,
 though not therein particularly excepted. I had
 much more Discourse with my Lord *Massereen*, and
 some others, to the Effect aforesaid, and touching
 the true Intent and Construction of *Poyning's Law*,
 and the Precedents that had passed in this Matter,
 which I shall not insist on, this being what material
 occurs to my Memory touching the Matter requir-
 ed, if not in express Words, yet to such Effect, as

near

(51)

near as I can remember : But whether my Lord, in this free Discourse, did not speak some things to sound me, and hear my Replies, in these Matters, or as his own real Thoughts, I cannot say; but did not design to make the same publick, unless in Obedience to the Commands of this Honourable House; Witness my Hand, this * Day of *Feb.* 16923.

David Cairnes.

F I N I S.

near as I can remember: But whether my Lord, in
this free Dispute, did not speak some things to found
me, and hear my Replies, in these Matters, or as his
own free Thoughts, I cannot say; but did not de-
sign to make the least Reply, unless in Obedience
to the Commands of this Honorable House: Wit-
ness my Hand, this Day of Feb. 1693.

David Cairns.

F I W I S